

ENOCH CITY COUNCIL NOTICE AND AGENDA**April 1, 2015 at 6:00pm****City Council Chambers****City Offices, 900 E. Midvalley Road**

1. **CALL TO ORDER OF REGULAR COUNCIL MEETING**
 - a. **Pledge of Allegiance-**
 - b. **Invocation-Audience invited to participate-**
 - c. **Approval of Agenda for April 1, 2015-**
 - d. **Approval of Minutes for March 18, 2015-**
 - e. **Conflict of Interest Declaration for this agenda-**
2. **DISCUSS WATER BOARD RECOMMENDATION AND AUTHORIZE MAYOR TO SIGN LETTER TO CICWCD REGARDING TEST WELLS AT RUSH LAKE**
3. **DISCUSS 2015-2016 BUDGET**
4. **PUBLIC COMMENTS**
5. **CORRESPONDENCE**
6. **COUNCIL/STAFF REPORTS**
7. **CLOSED EXECUTIVE SESSION REQUESTED-(Requires a roll call vote w 2/3 majority)**
8. **ACTION FROM EXECUTIVE SESSION**
9. **ADJOURN**

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call the City Offices at 586-1119, giving at least 48 hours advance notice. Meetings of the Enoch City Council may be conducted by electronic means pursuant to Utah Code Annotated, Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to the Enoch City Code of Revised Ordinances, Chapter 3-500, regarding meeting procedures including electronic meetings.

CERTIFICATE OF DELIVERY

I certify that a copy of the forgoing "Notice and Agenda" was delivered to each member of the City Council, faxed to "Cedar City Daily News" at 586-7471, posted on the Enoch City website, on the City Office door and published on the Utah Public Meeting Notice website on 3-26-15.

 3-26-15
Julie Watson, Recorder Date

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MINUTES
ENOCH CITY COUNCIL
March 18, 2015 at 6:00pm
City Council Chambers
City Offices, 900 E. Midvalley Road

Members present:

Mayor Robert Rasmussen
Council Member Destry Griffiths
Council Member Steve Johnson
Council Member Kirk Lovell
Council Member Gary Wilcken
Council Member Mike Olenslager

Staff present:

Julie Watson, Recorder
Dan Jessen, Treasurer
Nick Turner, City Atty.
Earl Gibson, Pub. Works
Jackson Ames, PD Chief
Robert Dotson, City Manager

Public present: Kay Ayers, Michelle Pritchard, Officer Shawn Higgins, Dilworth Armstrong, David Owens, Brent Carter, Cassie Easley, Marie & Laurie Fisher, Scott Leavitt, Lyle Goulding, Carolyn Olenslager and Ray Whittier

1. CALL TO ORDER OF REGULAR COUNCIL MEETING-By Mayor Rasmussen at 6:00pm. He welcomed the audience.

- a. **Pledge of Allegiance-**Led by City Manager Dotson
- b. **Invocation-**Audience invited to participate-Given by Council Member Griffiths
- c. **Approval of Agenda for March 18, 2015-Motion to approve agenda by Council Member Wilcken. Motion seconded by Council Member Lovell and all voted in favor.**
- d. **Approval of Minutes for March 4, 2015-Motion to approve minutes by Council Member Wilcken. Motion seconded by Council Member Johnson and all voted in favor.**
- e. **Conflict of Interest Declaration for this agenda-Council Member Lovell and Council Member Griffiths cited a conflict on item #3. No others stated.**

2. CONSIDER A REVOTE ON PLANNING COMMISSION APPOINTMENT FROM MARCH 4, 2015 COUNCIL MEETING

Mayor Rasmussen asked if we need a motion to reconsider the vote. Council Member Wilcken clarified what happened in the last meeting saying we had a motion and second. Two votes were cast in favor, with one abstention and two against. Council Member Wilcken said he asked to reconsider their vote and that meant the revote was two in favor and three abstentions. What do we need to learn from that?

City Attorney Nick Turner asked why anyone would abstain. When you vote there are two options, for or against. You only abstain if you have a basis for that abstention such as missing a meeting or not having the needed information to decide on an issue. The law clearly says vote yes or no.

There was more discussion of the confusion in the process at the last meeting. City Attorney Turner clarified the Mayor appoints people to boards with the advice and consent of the City Council. If a Council Member asks to reconsider the vote then it is up to Mayor Rasmussen to decide if he will allow that. The instance in the last meeting with one abstention, two no's and two yes's created a tie which the Mayor could have broken with his vote. He granted the request to withdraw the vote and he did not have to. If someone moves to bring this back up it is a new motion. You can bring up the same person or another person to fill the position.

City Attorney Turner reiterated again to the Council that an abstention is only to be used for lack of information. It is not a political ploy to stop an action. Addressing the Council he said it is your job to make the hard calls. City Manager Dotson said when talking to City Attorney Kuhlmann, that when Council Member Wilcken asked for a revote it was not moved and seconded and that is where the discrepancy in the process came into play. We loosely follow Roberts Rules of Order and to be transparent and consistent actions have to be by motion and second to the motion and that was not done. Council Member Wilcken clarified if three abstained, the motion died. City Attorney Turner said it died because Mayor Rasmussen allowed you to withdraw your vote and go from no to abstention. A new motion needs to be made if they want to reconsider this person. City Attorney Turner said again the law says the options are to vote either yes or no. Council Member Wilcken said in League training he heard Attorney David Church say if a person is present and they abstain that is a no vote. City Attorney Turner said that is fine if it does not contribute to a tie. City Attorney Turner read from Utah Code 10-3-506 regarding voting.

Mayor Rasmussen asked if someone wants to make a motion to reconsider the Planning Commission appointment from the last meeting. Council Member Wilcken said we took a vote then Mayor Rasmussen broke the tie asking which vote we are reconsidering. City Attorney Turner said they were allowed to withdraw the vote so no action was taken. Council Member Wilcken asked do we consider that the board appointment is open. Council Member Wilcken said he voted no and immediately he said he intended to abstain. We had moved on to the next item and then City Manager Dotson said that he thought was an illegal vote so there was a tie to break. Mayor Rasmussen voted after we were told it was illegal.

Council Member Wilcken said to be clear we are going to reconsider the initial vote to reappoint or not to reappoint. There was not three yes's so the motion did not carry. Mayor Rasmussen asked for motion to reconsider the vote. **Council Member Wilcken made a motion to reconsider and revote on appointing Spencer Jones to the Planning Commission. Motion was seconded by Council Member Lovell to appoint Spencer Jones.** Mayor Rasmussen asked if he could call for raise of hands to vote. City Attorney Turner said yes. Mayor Rasmussen recapped that there is a motion to appoint Spencer Jones to the Planning Commission by Council Member Wilcken. Motion was seconded by Council Member Lovell and **Mayor Rasmussen asked for hands to be raised as follows:**

3 for-

1 against-

1 abstentions so motion died for lack of votes.

Council Member Wilcken asked if items on the agenda can be revisited. City Attorney Turner said only if Mayor Rasmussen allows it. Mayor Rasmussen has to entertain a motion at his discretion. Any action needs a motion and a second to be valid. Council Member Wilcken asked if it is legal to go back if you have already moved on past the item. City Attorney Turner said the request should be in the form of a motion and then it is up to Mayor Rasmussen.

3. DISCUSS AND VOTE ON APPOINTMENT OF PLANNING COMMISSION MEMBER

Mayor Rasmussen proposed to appoint Paul Hardy to serve on the Planning Commission. Council Member Wilcken said Paul served before and he would be willing to serve again.

Council Member Wilcken made a motion to appoint Paul Hardy to serve a two-year term on the Planning Commission. Council Member Lovell seconded the motion and with a show of hands vote, five were in favor.

4. RESOLUTION NO. 2015-03-18-A A RESOLUTION PROCLAIMING APRIL 25, 2015 AS ARBOR DAY

Mayor Rasmussen asked for a motion. Council Member Wilcken explained that to fill a requirement for the Tree City USA designation we need to have a proclamation setting the date for Arbor Day. **Council Member Wilcken made a motion to approve Resolution No. 2015-03-18-B, a resolution proclaiming April 25, 2015 as Arbor Day. Motion was seconded by Council Member Lovell and a roll call vote was held as follows:**

Council Member Griffiths-yes

Council Member Olenslager-yes

Council Member Johnson-no

Council Member Wilcken-yes

Council Member Lovell-yes

Motion passed 4 to 1

5. DISCUSS RECOMMENDATION FROM PLANNING COMMISSION REGARDING ENOCH STATION MINOR LOT SUBDIVISION

Mayor Rasmussen asked if there was discussion asking City Manager Dotson to go over this. He said a minor lot subdivision is four lots or less. The owner has asked to divide his property into two parcels approximately the same size each. The Planning Commission went through the design review and it fits the code for a minor lot subdivision so they made a favorable recommendation. Council Member Wilcken confirmed this is the SW corner of Midvalley Road and Minersville Highway.

6. RESOLUTION NO. 2015-03-18-B A RESOLUTION APPROVING THE MINOR LOT SUBDIVISION OF ENOCH STATION

Mayor Rasmussen asked for a motion. **Council Member Wilcken made a motion to approve Resolution No. 2015-03-18-B, a resolution approving the minor lot subdivision of Enoch Station. Council Member Lovell seconded the motion and roll call vote was held as follows:**

Council Member Griffiths-yes

Council Member Olenslager-yes

Council Member Johnson-yes

Council Member Wilcken-yes

Council Member Lovell-yes

Motion passed unanimously

**7. ADJOURN REGULAR MEETING AND GO INTO CDRA MEETING-
(See separate agenda)**

Mayor Rasmussen asked for a motion to enter into a CDRA meeting. **Council Member Lovell so moved. Motion seconded by Council Member Wilcken and all voted in favor.**

8. PUBLIC COMMENTS

Mayor Rasmussen invited those wanting to comment to come to the podium.

Marie Fisher on Pioneer Drive thanked the Council for the work done on drainage. She asked when the road would be paved and about other repairs to damaged culverts. *City Manager Dotson said when the batch plants open so we can get asphalt we will double chip seal and then the oil the road. It will be a couple of months because temperatures have to warm up or it won't stick. We hope to get asphalt late in May.*

Cassie Easley on Maple Lane asked the Council about when they would make a response to the letter the City received regarding second amendment rights. She cited two Enoch laws that are in contradiction to the second amendment and read some material from State Code to the Council. She was critical of the City Attorney for the length of time it has taken to address this issue. *Mayor Rasmussen said we will look into it and get it on an agenda soon.*

9. CORRESPONDENCE-none

10. COUNCIL/STAFF REPORTS

City Attorney Turner reminded the Council and the public that public comment item is not a time for a Q&A session. It is for the public to make statements and there should be no discussion or back and forth in public comments. The public should call the office with their questions.

Council Member Griffiths asked about the issue with the cow and was told the owner of cow took it away. We will clean ditches to prepare for runoff.

Council Member Johnson said the new well is coming along and pumped 600 gpm in the test pumping. There are new technologies to get more water and Earl is looking into that. In the budget process we may need to wiggle some money for the well to maximize it so we can keep good water in Enoch. He added he is grateful for public comments and for citizens to remind us.

Earl Gibson reported they are starting to lay the 60" pipe going north to finish the NRCS project. They will be cleaning up and installing the rip-rap around the catch basin. We have 600 feet of pipe and the water will go where it historically has always gone out to the north.

Dan Jessen said he went to the URS-PEHP conference yesterday and wants to remind the Council that this year there is a new requirement from the governing body that dictates accounting practices. We have to start reporting the liability of our retirement system. This shows as a liability on the balance sheet and any retirement paid out is an asset. It is not anything different but has to be shown in a different way than in the past so it looks alarming when you don't understand what it means.

City Manager Dotson said on Friday April 10th there is a modified CERT training course for 4 hours for family preparedness. It is at the Cedar City Visitors Center. He said he forwarded a letter from a resident who is asking to have the \$50 water service fee waived due to medical hardship. He said no action can be taken tonight because it is not on the agenda however he needs to know if they want it on an agenda. Council Member Wilcken said he would pay for that out of his pocket because the City should not be doing charity work as a City function. City Attorney Turner reminded the Council that service fees are meant to be deterrent. Dan said less than 1% go into shut off and compared with other types of bills that is a very low rate. If we were more lenient it would climb fast and we are very lenient at 45 days late for shut off.

Mayor Rasmussen reminded the Council to meet with their department heads for April 1st budget talks.

11. ADJOURN-Motion to adjourn by Council Member Lovell. Motion seconded by Council Member Wilcken and all voted in favor. The meeting ended at 7:06pm.

Julie Watson, Recorder

Date

MINUTES
ENOCH CITY WATER BOARD
March 12, 2015 at 4:30pm
City Council Chambers
City Offices, 900 E. Midvalley Road

MEMBERS PRESENT: Larry Gardner, Dilworth Armstrong, Doug Grimshaw and Council Member Steve Johnson. Krea Mecham and Spencer Jones were absent

STAFF PRESENT: Rob Dotson, Julie Watson, Earl Gibson and Dan Jessen

2. DISCUSS AND MAKE RECOMMENDATION TO THE CITY COUNCIL REGARDING LETTER TO CICWCD ABOUT WELLS AT RUSH LAKE

Chairman Gardner said the letter written by City Manager Dotson is well written however he has some concerns since talking to others and thinking more about it. He also had a call from Spencer who missed that meeting but expressed concerns when he saw the letter in the packet. He conveyed concerns that maybe this isn't harsh enough to cover Enoch's interests. Chairman Gardner said he echoes those sentiments. Of all the areas that the Conservancy District has access to this is too close to our backyard. Perhaps they could go more out to the west to the iron mine area where there is known water rather than potentially impacting Enoch. Another option he would like to see would be some kind of agreement that Cedar City would stop drawing from the Enoch wells if they get water from Rush Lake. Currently the Conservancy District sells no water to Cedar City but probably will in the future when needed City Manager Dotson said. Enoch also has connections in place but there are no plans to purchase water unless it is an emergency.

There was more discussion of places less volatile to look for water than Rush Lake and noted that the Conservancy District has many options available that we don't have. Dilworth added his concerns saying this valley is a big pond and if they pump at Rush Lake it will draw down everyone. He would feel more in favor if they wanted to go north and west of Rush Lake on the bench where water basically comes from the Minersville area. He said the iron mines went to the Conservancy District to get a water line out there and they offered to give well rights in Waco Valley. It is closer for them to go another mile or two to get that water which would not affect us. Spencer said there are two wells out there that will produce 2000 gpm with no draw down. That would be a better option than Rush Lake. They already have rights there and infrastructure in place.

Doug said he does not want them here either but we have no say in the matter. We have no proof they are taking our water. Chairman Gardner suggested the strongest thing we could do is to "not" send a letter. City Manager Dotson said it will be our "due diligence" to protest as was stated in the letter. Chairman Gardner said with that in mind, we are in agreement that after more thought we are less supportive of the Rush Lake drilling now. There was some discussion of the possible source of the water in Rush Lake. Some engineers and hydrologists say the water table out there is from a different source than this valley. They think if they draw there it won't affect others. Doug said we could expand on this idea in the letter and cite potential problems in more depth. If it is the same water it will be a problem but without specific proof we can't stop them he said. City Manager Dotson said we lose credibility when we sit back and whine with no back up except fear or past experience rather than facts. The letter states the facts. Dilworth said he would like to say our first choice is for them to go elsewhere out to the west rather than right in our backyard.

City Manager Dotson said there are two ways to solve this. We can choose not to communicate and be offended or we can to jump in the middle with credibility and make a case. We have to work with them Dilworth agreed but also we need to state our facts as we see them. Chairman Gardner asked if there were any thoughts from the City Council. City Manager Dotson said Mayor Rasmussen is aware of it but the City Council has not been involved yet and they make policy based on recommendations. This letter is stating our policy if they approve the recommendation. Chairman Gardner added he supports a letter

mainly because it becomes a public record. He asked if the Water Board wants specific additions to the letter. City Manager Dotson said he had input from Doug who came in and added some things to the letter. He asked what else the Water Board wants in the letter. There was more discussion of what to add and where to add it. Chairman Gardner said he would like to stress that the Conservancy District has other options we don't have both politically and economically. City Manager Dotson gave some history of this choice of location which started about five years ago when Kal Kahler and other hydrologists came to this and other meetings suggesting that area be explored. When Joe Burgess went to the Conservancy District saying he has two wells out there they could test they remembered the advice to consider Rush Lake. Council Member Johnson said he would like to see wording like "please reconsider your options which do not endanger our water sources and look elsewhere because your resources outreach ours".

There was more discussion of the iron mines and the Waco Valley area and that it would make more sense to go out there. There was a discussion of which drainage that area is in and all agreed it was a better option that would leave us alone.

City Manager Dotson recapped the changes. Council Member Johnson asked to add we hope our concerns will not inhibit our ability to work together. Ending on a pleasant note is a good thing. City Manager Dotson said he knows Spencer has expressed his concerns to the Conservancy District Board and Rick Bonzo has also been emphatic about protecting us. Council Member Johnson said he would present this letter to the City Council.

Chairman Gardner made a motion to make changes as discussed to express our concerns and pass that to the City Council as our position as the Water Board. Dilworth seconded the motion and all voted in favor. City Manager Dotson said he would make the changes in the letter for the City Council agenda.

City Council Members

Destry Griffiths

Steve Johnson

J. Kirk Lovell

Michael Olenlager

Gary Wilcken



Robert A. Rasmussen - Mayor

Rob Dotson - City Manager

Jackson Ames - Chief of Police

Julie Watson - City Recorder

Dan Jessen - City Treasurer

February 28, 2015

Central Iron County Water
Conservancy District Board
88 Fiddlers Canyon Rd # A, Cedar City, UT 84721

Dear CICWCD Board and Staff,

Kelly Crane spent some time at our February Water Board meeting informing us of the future plans involving the "Rush Lake" area. He represented your organization well and expressed your request for the support of Enoch City. This letter is the official position of Enoch City.

Restating the general parameters of the project will help you to correct any misunderstandings we might have. It is our understanding that CICWCD and Cedar City are partnering to test the aquifer south of Rush Lake and northwest of Enoch City. This testing will establish a working knowledge of the availability and quality of the underground water with the intent to create a "well field" and withdraw the water for wholesale to Cedar City and your other customers. The underlying reason is to take some pressure off the Cedar City Quichapa wells and create a more balanced aquifer. This appears to be a common sense approach to a current problem of over-mining and future challenges with a possible basin-wide "Groundwater Management Plan".

We applaud all efforts to work with involved water right owners and water users in the Cedar City Valley and appreciate the current collaborative relationship we have with your organization.

There are some concerns that need to be expressed. We hope these are understood from our perspective and that all involved can relate to the possible ramifications to the current and future Enoch City citizens and businesses. We prefer that you don't drill in our "backyard". Your resources outweigh ours and other sources for your purposes and within your reach, i.e. Waco Valley, northwest Cedar Valley, Mud Springs and north Rush Lake area.

The water in the area being investigated is a possible source of water for the wells in the Enoch Graben and the area directly west of that Graben. Although some individuals may say it is not the same water, which is a presumption that is not based on conclusive proof. If it is the same water, then additional pumping could pose serious consequences for an aquifer already drawn down with resulting subsidence problems. If it is not the same water, at what time will wells south & east of that area notice the influence of pumping deeply in the Rush Lake area? In an attempt to get a handle on this, we propose continued cooperation with our Geochemical Water Study so generously funded by CICWCD. Adding geochemical data from the proposed Rush Lake area to what we have and will continue to obtain within Enoch City and surrounding wells will help establish a better picture of the underground aquifer(s), their age & possibly their source.

If pumping the Rush Lake wells will reduce the need for Quichipa pumping, will Cedar City consider reducing the use of their "Enoch Well #3" to our east and their "Enoch Well #2" within Enoch City boundaries? There is a general belief that the pumping of those wells has reduced the ground water availability previously established in some of the Enoch City and other private wells. Working together to establish a baseline and keeping the information current and open can help us to provide the needs for all users.

In your efforts to continue along this project, we may have to file protests with the Utah State Engineer just to perform our "due diligence" in protecting our current and future needs. We do not intend to be adversarial but we have to follow the legal processes afforded to us, even if there is no direct result. We hope that our concerns do not inhibit our ability to work together and for many years to come.

As always, we invite open dialogue.

Enoch Mayor and City Council